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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

DEBRA A. CARTER,

Plaintiff,

v.

KKK,

Defendant.

2:11-CV-1759 JCM (GWF)

ORDER

Presently before the court is the matter of *Carter v. KKK*, case number 2:11-cv-1759-JCM-GWF.

On January 5, 2012, the court entered an order affirming Magistrate Judge Foley's report and recommendation, which recommended that this case be dismissed for failure to comply with a court order. (Doc. #8). Thus, the instant case was dismissed on January 5, 2012. (Docs. #8 and #9).

Five months after the case was closed, plaintiff filed a motion, which the court interpreted as a motion for hearing. (Doc. #11). The court denied this motion on June 19, 2012, finding that plaintiff had "not demonstrated that she is entitled to, or even likely to receive, any form of relief from the court's previous orders." (Doc. #12).

When the court issued its June 19, 2012, order, the court inadvertently overlooked the fact that plaintiff paid the \$350.00 filing fee on June 4, 2012, thereby indicating that she no longer wished to proceed *in forma pauperis*. (Doc. #10). The court notes that this is a *pro se* plaintiff, and that pleadings of *pro se* litigants should be interpreted liberally. *Eldridge v. Block*, 832 F.2d 1132, 1137

1 (9th Cir. 1987). Therefore, the court now construes plaintiff's motion as a motion to reconsider the
2 court's order dismissing the case. (*See* Doc. #11). Pursuant to the order affirming the magistrate
3 judge's report and recommendation, the case was dismissed without prejudice. (*See* Docs. #5 and
4 #8).

5 In light of the recent payment of the filing fee, and the fact that the dismissal was without
6 prejudice, the court finds that it is appropriate to reopen this case.

7 Accordingly,

8 IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that the court's June 19, 2012,
9 order denying motion for hearing (doc. #12) be, and the same hereby is, VACATED.

10 IT IS FURTHER ORDERED that *pro se* plaintiff Debra Carter's motion to reconsider the
11 court's order dismissing the case (doc. #11) be, and the same hereby is, GRANTED.

12 IT IS FURTHER ORDERED that the clerk of court shall reopen this case.

13 DATED June 20, 2012.

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16 **UNITED STATES DISTRICT JUDGE**